

SUBWAY CONTRACTS VALID SAYS COURT OF APPEALS

Wagner Law Declared Constitutional and the Preferential Clauses Are Sustained.

WORK MAY NOW PROCEED

Dissenting Opinions by Judges Cullen and Werner—Former Calls Deal a Constitutional Evasion.

Albany, June 29.—The Court of Appeals to-day upheld the so-called preferential clauses in the pending New York City subway contracts calling for an expenditure of about \$200,000,000 by the Interborough and Brooklyn Rapid Transit companies and New York City.

The constitutionality of the Wagner law, passed this year, under which the contracts were made, also was involved. The prevailing opinion was written by Judge Hiseock and was concurred in by Judges Wright, Vann and Collins. There was a dissenting opinion by Chief Justice Cullen and Judge Werner. Judge Gray did not sit.

Under the preferential clauses the companies are to receive a specified return on their expenditures for both the old and new subways before the city can get any return on its own investment. There also is a cumulative provision.

The legality of the Wagner law and the contracts made under it were attacked in the taxpayers' actions brought by the Admiration Realty Company, John R. Ryan and John J. Hopper against the New York City Board of Estimate and Apportionment, the New York City Public Service Commission and the railroad companies.

Supreme Court Justice Blackmar, in Brooklyn, dismissed the complaint in each of the three cases, and his action was upheld by the Appellate Division of the Supreme Court, and the Court of Appeals to-day affirmed Justice Blackmar and the Appellate Division.

The greater part of Judge Hiseock's opinion is devoted to a consideration of the objection urged to the preferential clauses, that they are in violation of the constitutional provision prohibiting a city from loaning its money, property or credit, and that therefore the rapid transit act itself, which concededly authorizes these contracts, is unconstitutional and void.

No Power of Review.

Judge Hiseock points out that the court has no power to review the wisdom and benefits of the contracts for the subway construction, its only power being to decide whether the Legislature had the right to authorize them. He holds that it is within the power of the Legislature and public officials to make them.

In a dissenting opinion Chief Justice Cullen said:

It would be ungracious to make recognition of the great skill and ability displayed by the lawyers and financiers who have formulated these contracts in their efforts to make the evasion of constitutional restrictions practicable. But the successors may be found, and even their own services may again be brought into requisition. The corporations controlling the Brooklyn and the New York railroads each holds and operates many miles of street surface railroads.

It is not to be supposed that they may deem it wise to obtain a guarantee of the income of such property through a change of city property by a scheme similar to the present one. Of course, if subway roads can be combined with elevated roads, equally can they be combined with surface roads, but if we assume these companies will rest satisfied on what they now obtain, there is no reason to suppose that they will not seek to combine them with the city of New York, on the principle that equality is equity, will seek their chance at the city treasury.

Nor do I see how the principle about to be decided can be confined to railroads. With the utmost respect for the majority of the court, I fear that the decision about to be made will lead to a practical nullification of the constitutional restraints by methods, if not by means, however, prove interesting to that school of publicists and political economists which has always maintained the futility of restraints imposed by the people themselves on their own extravagance in the expenditure of public moneys, on the ground that the restraints are unnecessary and when great they are unavailing.

Lending of Municipal Credit.

Judge Werner, in another dissenting opinion, says:

It is true, the city had the title to the subways which are to be built, but the leasehold, the thing that gives the city its value, is turned over for forty-nine years to private corporations in order that they may mortgage it to raise their contributions to construction and equipment. Into an enterprise characterized by these elements the city is to pour its millions. If that is not a lending of municipal credit to the private corporation, then I think we should frankly concede that our constitution is an absurd attempt on the part of the people to limit power to its own nature. It is, for all practical purposes, impossible to define the constitutional limitations of municipal power.

In expectation of the decision of the Court of Appeals, the Public Service Commission prepared the form of operating contracts, which will be advertised shortly. Although seemingly the bidding is open to any responsible company, it is a certainty that the Interborough and the Brooklyn Rapid Transit companies will get the contracts, as the proposed routes are nothing but extensions of their lines. Moreover, these contracts were prepared after conferences were held between members of the Board of Estimate, the Public Service Commission and representatives of the Interborough and the Brooklyn Rapid Transit.

It is expected that the contracts will be formally awarded by the middle of August or the early part of September.

STOPS INJUSTICE TO WOMEN

Treasury Wipes Out Customs Discrimination on Plush for Hats.

Washington, June 29.—"The rights of women are secure in the Treasury Department," said Assistant Secretary Curtis today in wiping out a big discrimination against women's hats in the interpretation of the tariff act.

Hatters' plush, used exclusively for the manufacture of men's silk hats, has been admitted to the United States at 10 per cent duty. Other such plush has paid 45 per cent. Of late hundreds of thousands of women's hats, by fashion's decree, have been made out of hatters' plush.

Because of the regular wording of the tariff act some collectors of customs, in cases where the plush was used for women's hats, have assessed 45 per cent, while that used for the dress hats of an American gentleman paid only 10 per cent.

The cost of women's hats is high enough, said Mr. Curtis, deciding that the quality of the plush should be the basis of assessment. Whether it went to man or woman.

TO HAVE OLD-FASHIONED FOURTH.

Atlantic Highlands, N. J., has arranged an attractive Fourth of July programme for the large number of city persons who are expected to spend the day there. There will be two baseball games, one in the morning and the other in the afternoon. The first game will be between the Atlantic Highlands and Bay View Heights in the evening and a band concert are among other features on the programme.

Maternity Dress

MADE IN ONE PRICE, especially designed to relieve the fatigue, will expand to fit all sizes, without alteration. DRESSER in all styles and materials MADE TO MEASURE. \$10.75 and up.

1000 BRYANT, 10 West 38th St.

WASHINGTON HEIGHTS, 5th Ave & 165th St.

KILLED PACKING TROUSSEAU

Bride-Elect Shot When Pistol Catches in Lace.

Teckla Lagerquist had expected to sail within two weeks for Hamburg to marry, but while she was packing her trunk last night she accidentally killed herself with a revolver. Henry Fischer, who was talking to her, caught her as she fell dead, a bullet in her brain.

The woman, who was twenty-eight years old, lived with her uncle, William Asmun, on the top floor of the elevator apartment house at No. 224 Audubon avenue. She had formerly lived in Ridgefield, N. J., with her father, but had been in New York for about six months.

While abroad some time ago she met Cushman Lorenz, a captain in the Munson Line, and they became engaged. The young woman had been joyous as any bride-to-be until a week ago, when by some mishap she lost her engagement ring. She brooded over this for a time, but recovered her spirits, and yesterday was in a bedroom adjoining the living room, where Fischer, a close friend of Captain Lorenz, was sitting. They were chatting through the open door, and Miss Lagerquist was showing him some of the things in her trousseau.

He heard her give an exclamation of surprise as she opened a drawer in a desk, and then she came to the door.

"Look here, Henry, this is uncle's pistol," she said, as she laughed and pointed it to her head in a joking spirit.

"Be careful, Teckla," cried Fischer, and the girl lowered the revolver.

As she did so the trigger must have caught in the lace of her dress. The bullet entered her head just below the right eye.

Coroner Feinberg decided that death was accidental.

OVERSTUDY KILLS GIRL

Thirteen-Year-Old Pupil Too Ambitious for Promotion.

Mary Woffler, thirteen years old, of No. 52 Walton street, Williamsburg, who was promoted Friday into the graduating class of Public School 122, died from heart disease last night at her home. She had weakened her constitution by overstudy.

"I've studied so hard, I hope I'll be promoted," the girl said to her mother on returning home from school on Wednesday. Mrs. Woffler saw that her daughter looked pale and worn out, and called a physician, who said the girl had been working over her books too hard. She had also caught cold.

When promoted Mary came home so excited that she almost collapsed. Her condition grew worse yesterday, and she went to bed. Last night Patrolman Wegge heard a commotion in the Woffler home and found the girl's parents at her bedside. He summoned Dr. Reibstein from the Eastern District Hospital, but the girl died before his arrival.

GIRL RIDES 8,000 MILES

Alberta Claire Travelled Here from Wyoming on Bronco.

Alberta Claire, "the girl from Wyoming," arrived in this city yesterday, astride her little bronco Bud. When she swung from her saddle opposite the City Hall she had completed a horseback journey of a little more than eight thousand miles since she left her home at Sheridan, Wyo. She was dressed in a khaki riding suit, so fashioned that she could ride astride, and wore a cambric hat and a red bandanna about her fair neck.

The rest of her wearing apparel she carried in a remarkably small saddle bag behind her. It did not look as though it could hold much more than a lace handkerchief, but Miss Claire does not like to be littered up with superfluous clothing.

Miss Claire, who is only eighteen years old, is 4 feet 11 inches in height and 115 pounds. She was born in Wyoming, but it is about 50 per cent nerve. She will probably make the return trip via Bud.

GET CLEW IN POISON CASE

Police Say Newark Man Under Arrest May Be Bigamist.

In searching for a reason that would aid in arriving at the claim for their charge that Charles W. Rochefort, the ex-convict, tried to poison his wife with cyanide of potassium, a few days ago, the police discovered yesterday a marriage license, purporting to show that the prisoner is a bigamist. The second marriage, the police believe, may supply the motive for Rochefort's attempt to get his first wife out of the way.

According to the police, this marriage license indicates that Rochefort, under the name of Charles W. Roach, was married in New York City on May 13 last to Miss May Ruth de Barleau. The ceremony was performed by the Rev. George F. Baker, of No. 205 West 107th street, New York City. The witnesses gave their names as Emma R. Jarrett and Margaret R. Baker.

Wife No. 2, who is now being detained by the police, told her story yesterday. She was found in a boarding house at No. 97 Court street, Newark. She said Rochefort courted her for six months before she married him. She had been going to work daily since her marriage, she declared, but her husband had promised to go to housekeeping in the fall. She said Rochefort had been boarding in another part of the city since the wedding.

The police say the girl comes from a good family and that she is the innocent victim of the prisoner, Rochefort, when he heard of her story which she had told the police. He merely laughed and said:

"She thinks she's married."

WOMEN STRIKERS PULL HAIR

Riot Scene at Greenpoint Cap Factory Strawn with Puffs.

Women who had walked out from the cap factory of Charles Menton, Manhattan avenue and India street, Greenpoint, started a riot against strike breakers yesterday which half a dozen policemen had all they could do to suppress. Rose Bianco, twenty years old, of No. 24 Mauer street, was arrested as the ringleader. Her sister and eight men were also taken into custody.

The strike started two months ago because Menton refused to recognize the capmakers' union. Nearly all the employees went out, and after waiting some time to give the strikers a chance to return, they declined, the manufacturer engaged strike breakers.

There have been various clashes, but none so serious as that yesterday, when forty strikers and sympathizers attacked the strike breakers as they were approaching the factory. In a twinkling women were tearing each other's faces and pulling tufts of hair, till the streets were littered with puffs. A fierce fight was in progress when the police intervened.

BALTIC BRINGS SIX GUESTS

Gave Family of Titanic Victim Free Transportation Here.

Mrs. Kate Kelly, whose husband, William Kelly, lost his life on the steamship Titanic, arrived here yesterday with her five children, the Baltic as guests of the White Star Line.

Her husband, who had strapped all his savings in a leather belt before sailing on the Titanic, had planned to buy a home for his family in New Haven, Conn. When the home office of the line heard that the family desired to come here, stateroom accommodations were offered gratis. Mrs. Kelly and her children will live for a time with relatives in New Haven.

NO PENN. R. R. STRIKE; MEN WILL ARBITRATE

Offer of the Company Is Accepted by All of the Trainmen.

AFFECTS 25,000 EMPLOYEES

Question Is Over Retention of Places on Lines That Are Now Run by Electric Power.

Philadelphia, June 29.—There will be no strike of the men employed by the Pennsylvania Railroad Company on its lines east of Pittsburgh and Erie, an acceptance by a committee of the men of an arbitration proposal and a concession offered by the company to-day bringing about a satisfactory way of settling the grievances at issue.

The federated committee of the Brotherhood of Trainmen, the Order of Railway Conductors and the Brotherhood of Firemen and Enginemen, regard the agreement as a victory. It is said that about 25,000 men are involved on the lines of the company east of Pittsburgh and Erie.

It is provided that in the event of the company extending the electrification of its lines the steam railroad men affected shall hold their positions, or ones paying them the same wages. In regard to the McAdoo tunnel between New York and New Jersey, it is provided that the steam men question at their positions because of the electrification shall be reinstated by July 1, 1913, and shall be paid the same rate of wages as they were before being replaced.

The delay in the reinstatement of the men, it was stated, is due to the fact that the Pennsylvania Railroad Company has an agreement with the company controlling the New York Tunnel, by which no change can be made in wages without notice of one year being given.

The question as to the amount of wages to be paid brakemen in the Monongahela yard at Pittsburgh will be arbitrated. It is provided in the agreement that the arbitration board shall consist of four officials of the Pennsylvania Railroad and four representatives of the employees. If they fail to agree, Charles P. Neill, United States Commissioner of Labor, will be asked to act as the fifth member. The question at issue is whether the men shall be paid road rates or yard rates, as at present. The road rates are higher.

COURT PARTS HARPERS

Grants Divorce to Wife on Statutory Grounds.

Justice Guy signed yesterday a decree of divorce in favor of Mrs. Marie Harper against Russell Harper who, his wife said, is a man of wealth. The decree was granted by default. Mrs. Harper named as corespondent Miss Pearl Bradley, who is studying to be a nurse.

The charges against Harper was that he and Miss Bradley lived together as Mr. and Mrs. Stubbs in New York hotels. Harry D. Cushman, who was a witness, said that Harper had told him of a trip that he and Miss Bradley had taken. While Mrs. Harper was looking for her husband, Cushman said he told the wife that he knew nothing of the whereabouts of Harper and that he "was like a chicken."

Cushman further testified that Miss Bradley came to his office and said that she had been looking for a man with money, and that having found him she was not going to give him up. Cushman threatened to tell her mother and also to report her conduct to the authorities where she was studying, but Miss Bradley replied, according to the witness, that she did not care.

GOOD HAUL FOR BURGLARS

Two Big Robberies at Apartment House.

Jewelry and clothing valued at several thousand dollars, it was learned yesterday at Police Headquarters, were stolen a week ago yesterday from the apartments of Seth Sprague, at Nos. 6, 8 and 10 West 40th street. According to the police, this is the same building within the last two weeks.

Choosing Saturday afternoon, June 15, as the best time to work without being disturbed, burglars broke into the apartments of Sidney Harris and got away with considerable jewelry and wearing apparel. The police put twelve detectives on the case, but no clew to the burglars has been obtained.

Mr. Sprague, who is a drygoods merchant at No. 71 North street, telephoned to his agent, Karl Schuster, to bring him some wearing apparel to Rodin, Long Island, where he intended to spend the week end. When the valet returned he found the place ransacked. He immediately communicated with Mr. Sprague, who in turn informed the police.

The apartment house in which Mr. Sprague and Mr. Harris live is five stories high and is occupied principally by bachelors. It is separated by only a few feet from a large office building on Fifth avenue. The police believe that the burglars secreted themselves in this building, and awaited their opportunity as soon as the occupants left their premises.

STRIKERS HOLD UP 2 SHIPS

Pickets Patrol River Front at Philadelphia—700 Men Quit.

Philadelphia, June 29.—Despite a walkout of seven hundred men in the seamen's strike only two steamships failed to sail to-day as scheduled—the Delaware, bound for New York, and the Mohican, whose regular trip takes her to Norfolk.

Dozens of pickets patrolled the river front adjacent to the docks of the companies under the ban of the federation, but the strikers did not prevent the Shawmut of the Southern Steamship Company, from sailing.

One of the biggest ships to sail to-morrow is the Frederick, of the Merchants and Miners'. The union men assert there will not be enough men to man her for her trip to Savannah.

Representatives of the company do not take the strike seriously. The local officials stated this afternoon that the strike would inconvenience them, but would not cripple the service.

BATTERY CAMPS IN PARK

Three-Day Course of Artillery Instruction Begun.

Van Cortlandt Park took on a military aspect yesterday, when Battery F, of the 1st Regiment Field Artillery, N. G. N. Y., pitched its tents for a stay of three days. The battery is in charge of Captain Herbert M. Paul, who has just returned to his command from the United States Army School of Instruction for Officers at Fort Sill, Oklahoma.

The appearance of the battery in the park proved to be a drawing card for thousands of persons.

Captain Paul will instruct the command in the work of artillery in the field. There will be special schools for the non-commissioned officers and the working out of tactical problems for the whole command.

SUNDAY'S NEW-YORK TRIBUNE

Mailed anywhere in the United States for \$2.50 a year.

STRIKE DELAYS SAILING OF COASTWISE SHIPS

Union Leaders Say 5,000 Men Have Already Answered Their Call to Quit.

SHIPPING COMPANIES FIRM

Their Representatives Declare They Are Prepared for Worst and Will Promptly Fill Places of Strikers.

Coastwise shipping felt the first shock of a strike yesterday which, if carried out as proposed by union leaders, will put 150,000 men out of work, provided the shipowners remain stubborn, as well as cripple the service of about twenty-five lines and put dozens of passenger boats in the hands of inexperienced crews.

"Open shop," the union agitators say, is the big issue of the struggle; but "permitted mutiny" is the way the shipowners describe the issue. Both sides stoutly declared yesterday that they would never stop fighting until the other side was completely beaten.

As a result of the first day's contest the shipping men said the worst they had suffered was a slight delay in the sailing of some of their boats, but that in the end every one of them got away in good shape. They had satisfied themselves, they said, that their plans to fight the strike, which they knew would come, were so well laid they would suffer little inconvenience.

About Five Thousand Answer Call.

The union leaders saw their signs of victory in the fact that by nightfall about five thousand men had answered their call in this port alone and that every coastwise ship that undertook to leave her dock yesterday was delayed from one to four hours, five of them being forced, they said, to anchor in the bay because of insufficient crews. They also took comfort in the fact that half a dozen lines hastened to sign the agreement they presented.

The strike order includes officers, firemen and water-tenders, as well as sailors on all coastwise ships, river tugs and river and Sound steamboats on the Atlantic seaboard. Representatives have been sent, it was announced, to extend the strike to Cuban, Mexican and Gulf of Mexico waters and all along the Gulf coast.

The companies and the men have been working under an agreement since the strike of a year ago. This agreement terminated last night at 6 o'clock. A new agreement, providing for a "closed shop," had been submitted to the owners, and several days ago the answer came from them that they would not deal with their men in the future as unions. On Friday night a committee of representatives from the eight larger coastwise lines prepared resolutions agreeing to maintain "open shop."

It was this action which brought about the beginning of the strike yesterday. The lines represented in this committee are the Morgan Line, the Ocean Steamship Company of Savannah, the Old Dominion Line, the Ward Line, the Texas City Steamship Company, the New York and Porto Rico Line, the Clyde Line and the Mallory Line. The chairman of this committee is H. H. Raymond, vice-president and general manager of the Clyde Line and president of the Coast Steamship Association.

"Well, every company represented in this committee," said Mr. Raymond yesterday, "got its boats off to-day with little trouble. I won't say what our preparations are or how many men we have in reserve, but the public should be made to understand thoroughly at the start that this strike cannot succeed. In the first place, our arrangements are such that as fast as men walk out their places will be promptly filled and all boats will clear as scheduled. In the next place, their demands are utterly unjust and impossible."

Want Delegate on Each Ship.

"For instance, one of the demands of the union is that they shall have a delegate on board every ship, who should see that the commands given to the crew by the captain are in accordance with the agreement between the union and the company, and discuss the same with the captain. Why, that would be mutiny, and nothing else. Another thing demanded is that men shall not be discharged until their cases have been examined by the union to see whether or not the discharge was justified. We can't give over the operating of our boats like that to our employees."

The strike order included the Sound steamers going to Boston and Sound ports and the river and excursion boats about the bay, such as the Iron Steamboat Company, operating the Coney Island and Far Rockaway boats. Agreements were displayed at strike headquarters, however, signed by representatives of these companies, so that, it was said, there would be no trouble on to-day's outing trips.

The issue is, therefore, a clean-cut contest between the seven coastwise lines and the union.

The opening hostilities yesterday

"Of so airy and light a quality,"—Hamlet.
"Info so quiet and so sweet a style,"—As You Like It.

Automobile Hats, especially designed for touring and steamer wear; a combination of fur felt and fine taffeta silk. Very stylish. Prices, \$10 to \$15 each.

Automobile and Steamer Hats, in combinations of straw and soft silken fabrics. Prices, \$7 to \$10 each.

Clearance Sale of Summer Hats

\$5 and \$8 each.

Special Sale of Ready-to-wear Hats

All white straw Hats, trimmed with scarf, \$2 each.

White straw, colored straw under brim, trimmed with scarf, \$4 each.

White linen Hats, trimmed with straw, \$2 each.

Two tone blending colors straw Hats, variously trimmed, \$4 each.

White Manarama Hats, colored under brim, trimmed with scarf, \$5 each.

White Panama Hats, trimmed with scarf, \$6 each.

Two tone summer felt Hats, trimmed with scarf, \$5 each.

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CABINETS OF STATIONERY IN ASSORTED SIZES; CORRESPONDENCE CARDS WITH ENVELOPES; CHILDREN'S STATIONERY; FOUNTAIN PENS; PLAYING CARDS, BRIDGE SCORE PADS, TALLY CARDS, ETC.

ADDRESS AND MONOGRAM DIES FURNISHED.

AMONG THE LEATHER GOODS ARE FITTED DRESSING CASES FOR MEN AND WOMEN; TRAVELING BAGS; FITTED HAMPERS; SUIT CASES IN LEATHER AND RATTAN.

JEWEL BOXES AND SAFETY JEWEL POCKETS; SILK AIR PILLOWS IN LEATHER CASES; WRITING CASES AND PORTFOLIOS; RAZOR SETS; CARRY-ALLS, RUG AND SHAWL STRAPS; DRINKING CUPS, FLASKS AND BOTTLE CASES; ADDRESS BOOKS, TOURIST NOTE BOOKS, TRAVELING CLOCKS AND WATCH BRACELETS.

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SAMPLES SUBMITTED ON REQUEST.

WOMEN'S SUMMER SHOES

COLONIALS, PUMPS AND OXFORDS ARE BEING SHOWN, AT MODERATE PRICES, IN A COMPLETE RANGE OF SIZES AND WIDTHS AND IN THE POPULAR LEATHERS; ALSO IN WHITE CANVAS.

SPECIAL PRICES HAVE BEEN PLACED ON A NUMBER OF DESIRABLE STYLES, THE SIZES OF WHICH ARE COMPLETE.

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FIVE HUNDRED COUCH HAMMOCKS

IN KHAKI, GREEN OR WHITE, WITH REVERSIBLE MATTRESS.

REGULAR PRICE \$12.00 AT \$7.50

RUGS, DRAPERIES AND LACE CURTAINS RECEIVED FOR STORAGE. NO EXTRA CHARGE FOR STORING LACE CURTAINS AFTER CLEANING.

Fifth Avenue, 34th and 35th Streets, New York.

"My lace, Charman."—Antony and Cleopatra.
"What quality are they of?"—Measure for Measure.
"The quality . . . is not strained."—Merchant of Venice.

Summer Vails and Vellings, White Shadow and Shetland Vails in new designs. Prices, \$1.00 to \$3.50.
Striped bordered Chiffon Vails in all colors—this veil is 2½ yards long and 27 inches wide. Price, \$1.50.
Quickcatch Auto Vails, so called because they are easily and quickly attached. All shades. Price, \$2.95.
New Shadow Velling in White, Pink, Champagne and Black. 40 cts. to \$1.